



Tuesday, September 19, 2006

Boone agency a caseload leader

By Paul A. Long

It's a sign of the times - statistics or census data are released in Kentucky, and Boone County is at or near the top of the list. This time, the data is from state Department of Public Advocacy, and shows that the Boone County office, which defends indigent people accused of crimes in five counties, has the second highest average caseload in the state.

According to the agency, the eight attorneys in the office handle an average of 563 cases in the fiscal year that ended June 30, second only to Jefferson County, where 52 public defenders handled an average of 604 cases in 2005-6.

The Boone County office opened in 2003, and has been busier than anyone expected.

"They really are doing a lot of work there," said Dawn Jenkins, a spokeswoman for the department in Frankfort.

So much that the state added one attorney last year, and will add two more in 2007, she said. That helped bring down the average slightly in fiscal year 2006, despite a 14 percent increase in cases. Still, it's the second year in a row Boone County has had the second-highest caseload average in the state. In fiscal year 2005, it was second to the office in Boyd County.

Across the state, caseload growth has slowed, but increased for the seventh straight year. In fiscal year 2006 - which runs from July 31, 2005 to June 30, 2006 - the department logged 140,335 cases. The caseload per attorney dropped to 468.2 in fiscal year 2006 from 483.7 the previous year. Still, the department said, that represents approximately 150 percent of nationally recognized standards. The drop is attributable to the 21 attorney positions that the 2005 General Assembly added to the budget. Another 36 attorneys will be hired across the state in 2007, Jenkins said.

In addition, other branch offices will get specialized workers. For instance, the Boone County office will hire a juvenile specialist next year, she said. The Kenton-Campbell County office is taking part in a pilot program in which a social worker works with the court to fashion mediation or alternative sentences for those who commit certain non-violent crimes. The department is monitoring that program to determine whether it should be done statewide, Jenkins said.

"But it's a lot like plugging a hole in a bucket," she said.

"The legislature is doing the right thing by funding these positions, but we're still playing catch-up."

Kentucky is now one of the few states with full-time public defenders in each of its 120 counties.

For many years, Kentucky had a mostly volunteer system of public defenders, in which local attorneys agreed to be on a roster and take cases as their schedules allowed. But attorneys complained they were overloaded with work, paid little and had no support system.

Starting about a decade ago, the Department of Public Advocacy began setting up the full-time offices across the state. In Northern Kentucky, the first full-time office opened in 1995 in Kenton County.

In addition to attorneys, the offices have investigators, secretaries and other support staff.

Public defenders in state stretched thin despite hirings

By Jason Riley

jriley@courier-journal.com

The Courier-Journal

Just a few years ago, the more than 30 defendants who needed public defenders on a recent day in Bullitt County courtrooms would have been a huge problem for attorney Rebecca Murrell.

Until 2003, she made up the county's entire public defender's office.

"Four years ago, I would have covered every single case on the docket by myself," said Murrell, who opened about 900 cases in 2002, more than double the national caseload standards for public advocates.

But since then, the state has opened a full-time office in Shepherdsville, which Murrell runs, and recently hired its sixth and seventh public defenders to cover Bullitt, Spencer and Nelson counties.

So Murrell now can share the load, creating what she describes as "a night and day difference" in the time she can spend with each defendant.

The same difference is being seen throughout Kentucky, where the hiring of public defenders has resulted in the average number of cases handled by each attorney dropping for the third straight year, according to statistics compiled and recently released by the state Department of Public Advocacy.

Last year Kentucky legislators allocated money to hire 21 attorneys for the state public defender's office. This year the legislature approved \$6.2 million over the next two fiscal years for another 36 lawyers. (The starting salary is \$37,522 a year.)

Those 36 attorneys -- along with six others funded through a federal drug grant out of the University of Kentucky -- started last month and are spreading out across the state's 30 field offices, bringing the total number of public defenders to more than 350.

"I think we've made significant progress," said Ernie Lewis, head of the Department of Public Advocacy. "We're trending in the right direction."

Even so, the overall number of cases handled by the department rose in the last fiscal year, for the seventh consecutive time -- a jump of more than 40,000 cases since 2000.

As a result, Kentucky still exceeds the national standards recommended by the National Legal Aid and Defender Association -- to open no more than 400 misdemeanor cases a year, or no more than 150 felony or 200 juvenile cases per year.

Lewis said each public defender in Kentucky opens an average of 468 cases a year, a mix of misdemeanors, felonies and juvenile cases. The goal is to get below 400 cases.

'They saved my life'

The state's latest report has attorneys in Murrell's office handling more than 530 cases a year, largely because the caseload there in the last year has grown more than 22 percent -- second in the state only to Pike County.

"We are still a work in progress," Murrell said, citing the booming population in Spencer, increased focus on drug arrests and rising number of indictments in Bullitt as reason for the growth.

Besides that office, five other regional field offices averaged more than 500 cases per attorney: Jefferson, Boone, Hopkinsville, Murray and Bell counties.

"You simply can't be an effective public defender if your caseloads are too high," Lewis said.

That was Torre Wilson's fear in 2004 when he was assigned a public defender to represent him on a charge of rape.

"I was worried I'd just get left behind," said Wilson, a 26-year-old Louisville resident who could not afford a private attorney.

But Wilson said public defender Ann Bailey Smith's work the last two years was "excellent" and led to his jury acquittal on Oct. 13.

"I was looking at 25 to life," Wilson said of his potential sentence. "They saved my life."

The current budget has allowed the state department to add three new social workers for pilot projects -- in Covington, Owensboro and Morehead -- that are designed to find alternatives for incarceration, such as drug treatment.

Rena Tuck, directing attorney of the Bowling Green office, said the goal is to get social workers in every office.

"Most of our clients have drug problems," said Tuck, whose office has a social-work intern. "Social workers can look for treatment and do things that attorneys don't have time to do. ... If our clients had other alternatives or knew where to go, we might not see them again."

A vital role in courts

In all, public defenders represent about 80 percent to 90 percent of the people indicted in Kentucky, including all death-row inmates, Lewis said.

"We couldn't operate without them," said Jefferson Circuit Court Judge Geoffrey Morris. "Even given their caseload, they are as good if not better than 90 percent of criminal defense lawyers."

The only problem, Morris said, is that often "they have so many cases they don't have the time to work them as well as a private attorney."

With more than 32,000 cases, the public defender's office in Louisville had by far the most defendants in the state -- an increase of about 6 percent over last year, according to recently released statistics. They also had the most cases per attorney -- more than 600.

But the office also is an example of the improvements being made.

The office received nine new attorneys this fall, giving it more than 60 total, so the caseload for each public defender should go down, said Dan Goyette, executive director of the office.

"This no doubt helps and will make a significant impact, but it's a continuing problem," Goyette said.

Reporter Jason Riley can be reached at (502) 582-4727.

The State Journal



Growing caseload puts pressure on defenders

By VINCE TWEDDELL
State Journal Staff Writer

A 12 percent increase in cases has attorneys in the public defenders office in Frankfort shuffling about to keep up with their work.

Its the seventh consecutive year caseloads have increased across the state, and in the local office, the 12 percent represents more than 300 new cases, according to a recent Department of Public Advocacy report.

I think its growing even faster (than 12 percent), said public defender Matt Browning of the Frankfort offices cases. It just seems like were seeing more charges.

The state average for 2006 was 468.2 cases per attorney. In the Frankfort office, defenders took on 474.7 cases per attorney, far greater than the recommended national standard of 350 mixed cases felony, juvenile and misdemeanors for rural offices, said Kentucky Public Advocate Ernie Lewis.

Statewide, there were 140,122 cases that public defenders took on in 2006. Thats an increase of 4.3 percent, up from 134,584 the previous year.

And public advocates dont see it slowing down soon.

I think if you asked every public defender in the state, they wish they could have more help, said public defender Jamhal Woolridge, 27, whos been in the Frankfort office a little more than a year.

In fiscal year 2007, the state legislature has increased funding to the Department of Public Advocacy to allow for the hiring of 36 new attorneys throughout the state, Lewis said. He said the Frankfort office has hired one, recent law school graduate, Casey Holland, who interned at the office this past summer.

But even with the addition, caseloads for the office are projected at 409, about 59 more than what Lewis calls a reasonable goal.

To reach to national standards, Lewis said Frankforts office, which serves Franklin, Scott, Woodford and Anderson counties, should employ at least eight attorneys.

Browning believes the increase in cases is a result of putting more police on the street, a common promise made by politicians whose tough on crime stance will continue to be ratcheted up in order to win future elections.

Browning said the legislature should proportionately fund for public defenders as it increases funding for police.

Lewis said public defenders statewide receive a little more than half of what prosecutors receive. And the 29-year veteran of the DPA added that the agency has been under-funded as an agency for as long as I can remember.

Were not a very popular cause, he said. Although he said recent legislative sessions have yielded increased money for public advocates.

Lewis said a new police officer on the street results in an average of between 400-600 new arrests and Well get most of those.

And while Lewis said the legislature is funding more adequately, its not enough. Even if the office had eight lawyers, Thats a sizable caseload, Lewis said.

Lewis said the DPA ended up with about \$7 million less than what it asked for in the 2006-2008 budget

cycle.

According to the state budget office, the DPA is receiving \$61.5 million \$11.1 million more in this biennium, up from \$50.4 million in the 2004-2006 budget cycle.

One of the major things Lewis would like to implement statewide is employing a social worker in every public defender office. He said with the additional money this year, a social worker pilot project has been started in Owensboro, Morehead and Covington offices.

He said if one social worker is able to divert three people from prison with drug or substance abuse treatment, it can pay for that social workers salary.

Browning, 34, said the majority of arrests that are filling up the jails are nonviolent drug possession charges that have little to do with keeping the general population safe and cause more work for public defenders.

Putting them in prison doesnt help them, society or anybody, Browning said.

Lewis said 68 percent of prisoners have some sort of drug or substance abuse-related problem.

Browning said those charges leave prosecutors to prove possession, which he described as a slam-dunk case for them.

How many fish can you shoot in the barrel? he said. Its not a war on drugs; its a war on people.

Lewis said prosecutors are able to use police departments to investigate and to help prepare for the prosecution, whereas public defenders usually share investigators. The Frankfort office employs one investigator.

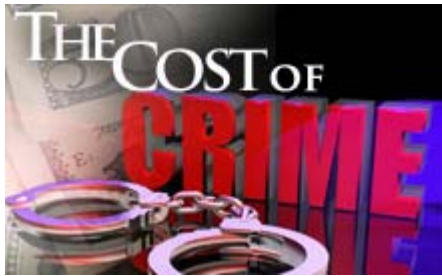
In his fifth year as a public defender, Browning says if future funding doesnt allow for enough attorneys to properly handle the increasing caseload, he would have to resign.

I wont be able to do it and do a good job, he said. When I cant give my clients good service, thats when Ill quit.

Its not fair to us and its not fair to the client. 🟡

THE COST OF CRIME: PART TWO

The Cost of Crime: Part Two



Those of you who've hired an attorney know how expensive that can be. Public defenders represent those charged with a crime, who can't afford an attorney. You pay for those services.

"All cases are given full attention, however we cannot try every shop lifting case, we can't try every possessionary drug offender case. It just doesn't make good financial sense," Commonwealth attorney Chris Corhon said.

One of the expenses that come from the justice system is the Department of Public Advocacy. In Warren County, public advocate Renae Tuck and her office see over 4,000 cases a year.

"Without public defenders, basically the criminal justice system would shut down because we probably represent, I would say 80-percent to 90-percent of all criminal cases that are prosecuted," Tuck said.

Tuck and the Warren County Commonwealth's Attorney, Chris Cohron both agree that time is the most valuable asset to a public advocate and something they never have enough of.

Cohron said public advocates are better prepared than private attorneys to deal with certain people that have mental problems or other issues.

"You see some states that have gone to a contract system, solely where private attorney's are paid per case to represent indigent clients and that can have costs sore through the roof," Tuck said.

Even though no one wants to ever be the victim of a crime, Tuck said we're all at risk.

"It could happen to anybody. We'd like to think we're insulated. Nobodies 100-percent insulated from crime touching them in some manner, whether they're a victim a family or person charged with the crime," Tuck said.

Since we all feel the effects of crime, it's important to have knowledgeable public advocates to represent those that can't afford their own and to make sure the job is done right.

“It’s expensive enough and time consuming enough to deal with the cases the first go around, much less having to deal with the case a second go around or a third due to incompetent representation,” Tuck said.

Stuart Cohron said even though his office has to put large amounts of time and resources into each trial they handle, he said more than 99-percent of all felony cases in Ky. end in plea bargains.

Press Clipping Article

Title: Public defenders added to London office - Actual cost for Kentucky prisons has grown from \$7 million in 1970 to a projected \$397 million in 2007.

Date: 11/20/2006

Source: [Corbin Times-Tribune](#)

Writer: Tim Woerner

Lead:

The London Office of the Department of Public Advocacy will soon be getting two new attorneys after an annual report to the state Public Advocacy Commission showed a sixth consecutive year of increased caseloads, DPA Commissioner Ernie Lewis said Thursday.

Article:

The London Office of the Department of Public Advocacy will soon be getting two new attorneys after an annual report to the state Public Advocacy Commission showed a sixth consecutive year of increased caseloads, DPA Commissioner Ernie Lewis said Thursday.

The addition will bring the number of public defenders at the London office to 11. Based on caseload figures from fiscal year 2006, two attorneys would reduce the London office's average number of cases per defender to 399 a year. That, however, assumes the office will handle the same number of cases next year — a trend not predicted by statewide numbers.

Throughout Kentucky, the DPA handled 140,122 cases in fiscal year 2006 — their highest ever total. Increasing the number of defenders has helped cases per DPA attorney trend downward, but Kentucky public defenders still handle an average of 468.2 cases each per year.

National standards recommend no more than 400 misdemeanor cases per defender — and fewer if felony or juvenile cases are being handled.

Bulging dockets have been a budgetary problem for county governments around the country as well — it costs about \$9,000 annually to hold an inmate in jail, and about \$17,000 to keep one in prison, Lewis said.

Actual cost for Kentucky prisons has grown from \$7 million in 1970 to a projected \$397 million in 2007.

Meanwhile, Kentucky's prison population has risen from 12,000 in 1995 to more than 20,000 today. That number is projected to break 30,000 in 2015, Lewis said.

PUBLIC DEFENDER'S CASELOAD INCREASES FOR 7TH CONSECUTIVE YEAR

Ashley Davidson



The number of caseloads handled by public advocates across the state is up by more than five thousand a year according to the department of public advocacy.

Here in Warren County the number hasn't risen drastically but they still work a great deal.

"I've been here five years and routinely we have around four thousand cases," said Renae Tuck, with the Public Advocate.

That translates to each of the nine public defenders working 433 caseloads a year. In the past, public defenders have had a reputation of not providing the best defense for their clients. But according to Tuck today's public defenders believe in doing everything it takes to win a case even though they are handling numerous cases all at once.

"It's a lot. Sometimes we find ourselves having to determine which case is more important to work on, which one is coming up more quickly," said Tuck.

Tuck became a public defender 12 years ago because she liked to challenge and she believes in the legal system although she admits it is a sometimes thankless job.

"Every couple of years that thought is always there. What could happen if I went into private practice? But then something happens here that makes you go that's the reason why I'm a public defender," said Tuck.

One reason for the increase in caseloads is the number of juveniles in court. Before defendants under 18 did not have to have legal representation, now they do. Tuck says she believes their caseloads will increase even more next year when Butler, Edmonson, Simpson, and Allen counties get family court judges. Luckily her office will have one more public defender starting soon.

For more information log onto: <http://dpa.ky.gov/library/2006CaseloadReport.pdf>.

Caseloads might fall

Average per attorney expected to be 33 fewer this year compared to last

By BURTON SPEAKMAN, The Daily News, bspeakman@bgdailynews.com/783-3240

Friday, September 22, 2006 11:33 PM CDT

Each public defender in Warren County's office is anticipated to handle an average of 33 fewer cases this year.

Last year, the Bowling Green office, which serves Warren, Simpson, Edmonson, Butler and Allen counties, had each of its nine attorneys handle an average of 433 cases from July 1, 2005, to June, 30, according to Renee Tuck, supervisor at the office. This year, each defender should handle around 400 cases.

The Kentucky Department of Public Advocacy has released its yearly report, which shows caseloads for public defenders throughout the state have increased for the seventh consecutive year.

"The estimate of 400 cases each is based on our number of cases staying the same," Tuck said. "Those numbers may increase with extra courts."

A family court judge position in Warren County recently created by the General Assembly will move from the district court to circuit court level.

When the legislature creates new courts, it does not provide new attorneys for either public defenders or prosecutors to go along with them, Tuck said.

While the Bowling Green office did receive one additional attorney through a rural drug enforcement grant, there were also three new family courts added in the coverage area, Tuck said.

A state grant provided for the hiring of 18 attorneys statewide, with nine provided to prosecution offices and nine to public defenders, according to state Public Advocate Ernie Lewis. The grants continue for two 18-month terms.

The new courts will require more time in the courtroom for some defenders and additional travel time, which will mean less time they can prepare for cases, Tuck said.

Statewide, Kentucky does not meet several national standards for indigent defense, even with reductions estimated statewide in average caseload for this year, Lewis said.

The defenders still handle too many cases and have too little time to work on each case, he said.

The goal of the DPA is to allow attorneys an average of five hours to work on each case and a caseload of under 350 per year, Lewis said.

The decrease in caseloads is occurring throughout the state because of a \$6.5 million increase in funding from the legislature. The DPA average caseload decreased to from 483.7 per attorney in fiscal year 2005 to 468.2 in this fiscal year.

Last year, Kentucky had several DPA offices where public defenders were averaging more than 500 cases each. During the current year, only the Louisville office is anticipated to do so, Lewis said.

"The fact that caseloads have continued to rise has made it difficult for DPA to meet its goals of quality representation," Lewis said. "The struggle will continue until caseloads level out."

The report shows that statewide, the caseload for public defenders has increased to 140,335 cases. During the 2005 fiscal year, public defenders handled 134,584 cases.

The DPA has gone from 97,818 cases in 2000 to more than 140,000 this year, Lewis said. This year, due to the increased state funding, 38 more attorneys were hired by the DPA.

The report overall raises serious concerns because caseloads continue to rise, said Bob Ewald, DPA Commission President.

Lewis' most significant concern about the Bowling Green office is the amount of circuit court cases in this area compared to district court cases, he said.

Throughout the state, 25 percent of cases are handled in circuit court, but in the five counties the lowest percentage of circuit cases is 42.8 percent in Allen County, according to DPA statistics.

"Circuit court cases take more time to prepare for as a defender," Lewis said.

The reason the local DPA office has more circuit court cases in the area is the number of family courts, Tuck said.

"A lot of counties don't have family courts; at the end of this year we'll have four," she said.

Another problem is the increase in the number of prison and court cases overall. The state has seven times as many people incarcerated now as it did in 1970, Lewis said. The war on drugs is a huge part of the increase in prison population and the increased demand for public defenders.

"The increasing prison population is sucking dollars that are needed to go to other areas," he said.

The prison population continues to grow by 1,000 to 2,000 people a year, while the crime rates have gone down, Lewis said.

Lewis is mischaracterizing the growth in the prison population as being based on the drug war, overly aggressive prosecution and harsh sentences, according to Warren County Commonwealth's Attorney Chris Cohron. The additional circuit court cases in this area are based on accurate prosecution of the existing cases, Cohron said.

"I served on a statewide association that studied the issue," he said. "There hasn't been one person sent to the Department of Corrections who didn't deserve to be."

The people receiving long sentences in the war on drugs are traffickers, Cohron said. People who are in prison for possession have had multiple opportunities to correct their behavior.

"There are no first-time possession offenders in prison out of Warren County," he said.

Tuck said there will be some reorganization in the office.

"We're going to vertical representation where one attorney will represent people starting at district court, clear to a resolution," she said.

Currently, certain defenders deal with cases in district court and then other attorneys in the office handle the circuit court cases, Tuck said.

"We've been in better shape than a lot of the other offices for a long time," Tuck said.

But the office needs to continue to improve, she said.

The additional attorney is allowing the Bowling Green DPA office to try some new ideas to improve defense like the vertical representation that couldn't have been done before, Tuck said.

Lewis also thinks improvement is necessary. Social workers in each office can improve defense and save the state money by finding people who should be diverted away from the prison system, he said.

Another goal of the DPA is to have an investigator for every six attorneys and a clerk for every two attorneys, Lewis said. Currently, DPA has some areas with one investigator for 12 attorneys and a statewide average of one clerk for every three attorneys.

Public defenders in state stretched thin despite hirings

By Jason Riley

jriley@courier-journal.com

The Courier-Journal

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Until 2003, she made up the county's entire public defender's office.

"Four years ago, I would have covered every single case on the docket by myself," said Murrell, who opened about 900 cases in 2002, more than double the national caseload standards for public advocates.

But since then, the state has opened a full-time office in Shepherdsville, which Murrell runs, and recently hired its sixth and seventh public defenders to cover Bullitt, Spencer and Nelson counties.

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Those 36 attorneys -- along with six others funded through a federal drug grant out of the University of Kentucky -- started last month and are spreading out across the state's 30 field offices, bringing the total number of public defenders to more than 350.

"I think we've made significant progress," said Ernie Lewis, head of the Department of Public Advocacy. "We're trending in the right direction."

Even so, the overall number of cases handled by the department rose in the last fiscal year, for the seventh consecutive time -- a jump of more than 40,000 cases since 2000.

As a result, Kentucky still exceeds the national standards recommended by the National Legal Aid and Defender Association -- to open no more than 400 misdemeanor cases a year, or no more than 150 felony or 200 juvenile cases per year.

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"We are still a work in progress," Murrell said, citing the booming population in Spencer, increased focus on drug arrests and rising number of indictments in Bullitt as reason for the growth.

Besides that office, five other regional field offices averaged more than 500 cases per attorney: Jefferson, Boone, Hopkinsville, Murray and Bell counties.

"You simply can't be an effective public defender if your caseloads are too high," Lewis said.

That was Torre Wilson's fear in 2004 when he was assigned a public defender to represent him on a charge of rape.

"I was worried I'd just get left behind," said Wilson, a 26-year-old Louisville resident who could not afford a private attorney.

But Wilson said public defender Ann Bailey Smith's work the last two years was "excellent" and led to his jury acquittal on Oct. 13.

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A vital role in courts

In all, public defenders represent about 80 percent to 90 percent of the people indicted in Kentucky, including all death-row inmates, Lewis said.

"We couldn't operate without them," said Jefferson Circuit Court Judge Geoffrey Morris. "Even given their caseload, they are as good if not better than 90 percent of criminal defense lawyers."

The only problem, Morris said, is that often "they have so many cases they don't have the time to work them as well as a private attorney."

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But the office also is an example of the improvements being made.

The office received nine new attorneys this fall, giving it more than 60 total, so the caseload for each public defender should go down, said Dan Goyette, executive director of the office.

"This no doubt helps and will make a significant impact, but it's a continuing problem," Goyette said.

Reporter Jason Riley can be reached at (502) 582-4727.



Press Clipping Article

Title: More public defenders

Date: 10/25/2006

Source: [Courier-Journal \(Louisville\)](#)

Public defenders are vital cogs in Kentucky's wheel of justice, and recent efforts to increase their numbers seem to be paying off.

As The Courier-Journal's Jason Riley reported yesterday, substantial increases in funding for public defenders, after the 2005 and 2006 General Assembly sessions, have reduced the caseload for many overworked (and distressingly underpaid) attorneys.

Public defenders provide legal assistance for 80 to 90 percent of those indicted on criminal charges in the commonwealth; they represent all defendants on death row.

Between 2005 and next year, the number of public defenders will increase to a total of more than 350. (Funding for six of these came from a federal drug grant through the University of Kentucky.)

This is a substantial change, which responded to a dire situation outlined by Louisville's Dan Goyette and others.

Without question, "P.D.s," as they are called, do God's work.

They are expected to handle brutal caseloads and receive a starting salary of \$37,522, not much for attorneys who are expected to perform at high levels under adverse conditions.

"We couldn't operate without them," Jefferson Circuit Judge Geoffrey Morris told Mr. Riley.

"Even given their caseload, they are as good if not better than 90 percent of criminal defense lawyers."

Still, they remain overworked. As caseloads continue to rise, the next General Assembly will need to revisit their budget and determine not if more P.D.s are needed, but how many.



Monday, October 30, 2006

Hiring of more defenders helps ease caseloads

Associated Press

LOUISVILLE - The state might have more public defenders, but the caseloads for each are still high, according to a recent survey.

The hiring of 41 public defenders last month has resulted in the average number of cases handled by each attorney dropping for the third straight year, according to statistics compiled and recently released by the state Department of Public Advocacy.

"I think we've made significant progress," said Ernie Lewis, head of the Department of Public Advocacy.

"We're trending in the right direction."

It brings the total number of public defenders at the state's 30 field offices to more than 350.

However, the number of cases the office handles also has increased steadily.

As a result, Kentucky still exceeds the national standards recommended by the National Legal Aid and Defender Association. That standard is to open no more than 400 misdemeanor cases a year, or no more than 150 felony or 200 juvenile cases per year.

Lewis said each public defender in Kentucky opens an average of 468 cases a year, a mix of misdemeanors, felonies and juvenile cases.

The goal is to get below 400 cases, he said.

Increases in the number of public defenders over the last three years has made "a night and day difference" in cases overseen by the Shepherdsville office, attorney Rebecca Murrell said.

Murrell opened about 900 cases in 2002, but the office that covers Bullitt, Spencer and Nelson counties has expanded to seven people since then.

The state's latest report has attorneys in Murrell's office handling more than 530 cases a year, largely because the caseload there in the last year has grown more than 22 percent, second in the state only to Pike County.

"We are still a work in progress," Murrell said, citing the booming population in Spencer, increased focus on drug arrests and rising number of indictments in Bullitt as reason for the growth.

Besides that office, five other regional field offices averaged more than 500 cases per attorney: Boone, Jefferson and Bell counties, as well as the offices in Hopkinsville and Murray.

"You simply can't be an effective public defender if your caseloads are too high," Lewis said.

That was Torre Wilson's fear in 2004 when he was assigned a public defender to represent him on a charge of rape.

"I was worried I'd just get left behind," said Wilson, a 26-year-old Louisville resident who could not afford a private attorney.

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Story Date: [2006-Sep-09](#) at 04:30:58

By Joanie Baker

Social worker takes on new role

Categories: social issue / [United States](#) / welfare / social issues (general) / social services / Kentucky / science and technology / human science / criminology / employees / labor

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By merely helping three people, Rachel Pate will have saved Kentucky enough tax money to pay for her own position. But the social worker's goal is to save much more than that.

Pate is the first social worker in the state to work with attorneys at the Department of Public Advocacy in Daviess County. Her goal is to help reduce the number of repeat offenders by intervening and increasing successful treatment programs for criminals.

The Social Worker Pilot Project began Sept. 1, but Pate, a Brescia University graduate, has already had experience doing similar work with juveniles. For two years, Pate worked with assistant public advocate Jerry Johnson during her internships finding successful treatment alternatives for people in the juvenile court system.

Pate said that she is extremely excited but still a little nervous about meeting the state's goals in saving millions of tax dollars by preventing repeat incarcerations. Similar programs have already been implemented and successful in other states such as Rhode Island, Connecticut and Maryland.

The Department of Public Advocacy says a study by University of Kentucky law school professor Robert Lawson found Kentucky is incarcerating seven times more people today than in 1970, even though crime rates have remained constant.

With 70 to 80 percent of inmates in prisons and jails being drug dependent and 50 percent being mentally ill, according to statewide studies, public advocates in Kentucky decided to become proactive rather than seeing inmates repeatedly incarcerated at the annual cost per inmate of \$9,958.

As part of Pate's job, she will be drafting alternative sentencing and probation recommendations for judges based on her research into the clients' needs. Pate said she will be looking into their

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history through a full assessment to see if she can assist clients with her networking to help them find substance abuse treatment, housing or a job. Pate said she will then present a plan to the judge and ask that the inmates receive probation while they go for treatment rather than being incarcerated.

"It's important that people with dependency issues deserve the right to change and make a difference in themselves, but sometimes they need direction," Pate said.

Johnson said the program is a proactive approach rather than a reactive approach to dealing with clients. He pointed out that while he is trained to deal with the legal side of issues, Pate will be looking at it from a holistic point of view and seeing what the cause of the problem is and making strides to fix it.

"We don't have the time or expertise to ask what's causing the dynamic within the family structure or person to cause them to keep coming back in the system," Johnson said.

Some clients do worse in pre-trial interviews because they haven't lived in one residence for very long or do not have a home telephone number. The worse an interview goes, the higher the bail is usually set before the client goes to trial. Because many clients cannot afford the bail, they often are incarcerated until the trial, costing taxpayers money.

Part of Pate's job will be to interview the clients about the factors and possibly make a motion to reduce the bond based on the facts she collects. Pate can also make a motion for home incarceration to save tax funds.

The social worker said sometimes clients are just relieved that someone cares to help them overcome a problem when they never knew how to go about it on their own. She said it's important that the client really wants the help, and she said she must see that when she's working with them.

"I feel they will truly be glad that someone really wants to listen and cares how they got to where they are," she said. "I'm going to listen, take notes and use that info to better help the people with employment or treatment. It's about saving our clients and saving people money."

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The Paducah Sun

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Social workers helping legal aid: Agency hopes to save money, counter rising caseloads.

Matt Sanders

The Paducah Sun, Ky.

Nov. 3--As public defenders' caseloads increase statewide, social workers have been placed in three areas in an effort to save money, reduce lawyers' workloads and inmate population, and return selected nonviolent offenders to society.

The Kentucky Department of Public Advocacy will monitor the effectiveness of this pilot program in its Owensboro, Morehead and Covington field offices through Oct. 15, 2007, said Ernie Lewis, public advocate and department commissioner.

And a spot may open for Paducah. Funds have been allotted to add a fourth social worker site beginning July 1, and the Paducah defenders' office is in the running, Lewis said. The program began last month.

"Paducah is a large office with a heavy caseload," Lewis said. "Their need has been demonstrated."

Lewis and Dawn Jenkins, Public Advocacy executive adviser, are crossing the state to discuss rising caseloads and social worker programs with defenders, judges and legislators as part of their Realizing Justice campaign. Public Advocacy has provided lawyers for poor people since 1972, and represents all death row inmates.

Chris McNeill, directing attorney of the Paducah office, called the possible addition of a social worker "smart on crime, not just tough on crime." Although the office added four lawyers in the last two years, the office's 14 lawyers handle an average of 461 cases a year each, well above the national standard of 309, he said. Their cases range from driving under the influence to murder.

The Paducah office covers McCracken, Livingston, Ballard, Carlisle, Hickman and Fulton counties.

"This is not a program that gives offenders a pat on the head and sends them on their way," McNeill said. "It is effective against crime and has the ability to make a difference in people's lives. And it's less expensive for the taxpayers."

Paducah defender cases increased 7.54 percent in 2006, a higher rate than other counties across the state. Overall, department cases increased to 140,122 during fiscal year 2006, up from 134,584 in 2005. It marked the seventh straight year that defenders' caseloads increased statewide.

"We continue to be alarmed at the rising caseloads," Lewis said. "It's a compliment to Chris' office in handling so many cases. It is really yeoman's work."

The social worker program is geared to help nonviolent offenders who need treatment for substance abuse and/or mental problems, Jenkins said. Between 60 and 70 percent of the state's jail population have substance abuse problems, while 50 percent are mentally ill.

"It's treating the root of the problem," Jenkins said. "If chronically ill people can get and stay on their medications, hopefully they won't keep re-entering the system."

Sex offenders and drug traffickers are not eligible for the program, and program clients are still accountable for criminal penalties, Jenkins said.

The pilot effort, which Lewis compared to circuit court's drug court, already has proved to be cost effective for the Kentucky Department of Corrections, which spends \$17,000 per year to hold one inmate. Five people have been diverted into treatment programs from incarceration in the first few weeks.

Rhode Island pioneered the social worker program, and its corrections department saved about \$15 million last year through diverted sentences, the Kentucky officials said.

Social workers help to identify offenders who could benefit by participating, Lewis said. They take part in pre-trial meetings and at sentencings, work with judges on possible alternative placement, and track offenders' progress for one year.

"We can't keep throwing money at the problem of rising caseloads," Lewis said. "This is a proactive approach. When you take an addict and lock him up, it's not solving the problem."